

Application No.: 10/026,171  
Response dated: November 13, 2003  
Reply to Office Action of September 12, 2003

### REMARKS

Reconsideration of the present claims, in light of the attached claim clarifications and the Remarks, which follow, is respectfully requested.

Claims now before the Examiner are 1-12, and 13-22.

The numbering in this response will follow that of the Examiner's Action.

Support for the amendments to temperature ranges may be found at: claim 1 as filed, and page 16, line 31.

Applicants further note that the amendments made to the claims, and the new claims, contain and comprise subject matter that all was before the Examiner prior to this Response. The scope of all (amended) claims has been narrowed but kept within the original ranges of the claims as filed. The newly presented claims are also within the originally filed scope of coverage presented.

1. The ancestry of this case has been updated.

#### **Rejections Under 35 USC § 112, second paragraph**

2. *Claims 1-20 stand rejected under 35 USC § 112, Second Paragraph*

The Examiner rejects the use of the terms "metallocene-type" and "bulky ligand" in any claim. Applicants have defined the metallocene or metallocene-type compounds/ligands extensively from paragraph [0014] to [0036]. Applicants are bound by their claim language, which claims are in turn interpreted from Applicants' Description. Applicants here have defined both "metallocene-type" and "bulky ligand" in the Description, and are and will be bound by the definition of these terms in the Description. Nonetheless, to move prosecution forward, Applicants have amended the rejected language out of the claims. Applicants further note that this is not a prior art rejection, and the amendments are not made for the purpose of patentability, rather, they are made to address the Examiner's point, and Applicants are not in any way restricted from use of or interpretation of the claims in light of the fully definitional Description.

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Claims 4 and 5 stand Rejected as indefinite. Specifically, the Examiner questions how one claim can state that heating is from 25°C to 150°C while the other claim states that 25°C is room temperature. The explanation is that moving from 25°C to 150°C involves heating, while the room temperature of claim is a specific temperature. More to the point, moving from 25°C to any point above that temperature would involve heating, whereas the "room temperature" claim element describes a point at which certain events are noted or marked, in this case a certain solubility. Applicants see no contradiction, and believe that the claims are clear to the person of skill in the art.

Claim 10 has been clarified.

Withdrawal of the Rejections is respectfully requested.

#### **Rejection Under 35 USC § 102**

3. & 4. *Claims 1-4, 6, 7, 14, 15, and 18-20 stand Rejected under 35 USC § 102(b) as Anticipated by WO 96/35729 (Razavi I).*

Razavi I suggests "...a) reacting a metallocene with an alumoxane at a temperature comprised between 15 and 50°C..." abstract, page 2, lines 31-32, and page 3, lines 22-24. Razavi I does not disclose heating the bulky ligand metallocene-type catalyst compound to a temperature of from 75°C -125°C (claim 1), 60-125°C (claims 6, 8, & 14) or from 75 to 100°C (claims 3, 7, 9, 20 & 22) or 60-110°C (claims 10, 18 & 21), and 60 to 100°C (claim 19).

Absent such disclosure, the present claims are not Anticipated by Razavi I.

Accordingly, withdrawal of the Rejection is respectfully requested.

#### **Rejections Under 35 USC § 103**

5. & 6. *Claims 1-15, and 18-20 stand Rejected under 35 USC § 103(a) as Obvious over Razavi I.*

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Razavi I does not disclose or suggest the claimed temperature ranges for the reaction of the metallocene-type compound. Absent such teaching, in the notoriously unpredictable catalyst arts, Razavi I does not render the present claims Obvious.

Accordingly, withdrawal of the Rejection is respectfully requested.

7. *Claims 1-20 stand Rejected under 35 USC § 103(a) as Obvious over Razavi I in view of US 5,914,289 (Razavi II).*

Razavi I is discussed immediately above.

Razavi II neither discloses or suggests the claimed temperature ranges for the reaction of the metallocene-type compound. Therefore Razavi II adds nothing to Razavi I. Absent a disclosure or suggestion to the currently claim reaction temperatures, the combination does not render the present claims Obvious.

Accordingly, withdrawal of the Rejection is respectfully requested.

8. & 9. No response necessary.

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All of the Examiner's Rejections have been addressed.

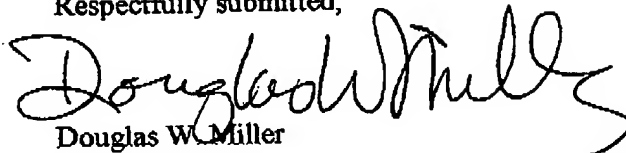
The claims are in condition for allowance.

Note is made that the correspondence should be sent to:

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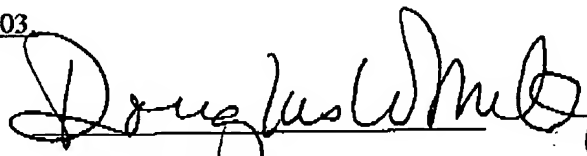
Respectfully submitted,

  
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